

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 30, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT BARNHART,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

No. 1:20-cv-03062-SMJ

**ORDER DISMISSING ACTION**

On May 11, 2020, Petitioner Robert Barnhart, a prisoner at the Coyote Ridge Corrections Center, filed a *pro se* Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus By a Person in State Custody. ECF No. 1. Petitioner neither paid the filing fee nor submitted a completed Application to Proceed without Prepayment of Fees as required by Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts. On May 11, 2020, the Clerk's Office advised Petitioner of these deficiencies. ECF No. 2. The Clerk's Office provided him with an application to proceed without prepayment of fees to complete and return. *Id.* Petitioner has not complied with this directive and has filed nothing further.

On June 11, 2020, this Court ordered Petitioner to submit a completed Application to Proceed without Prepayment of Fees within **thirty days** of the date

1 of that Order. ECF No. 5. In the alternative, Petitioner was advised he could pay the  
2 full \$5.00 filing fee. *Id.* Petitioner was cautioned that his failure to do so would  
3 result in the dismissal of this case. *Id.* Petitioner has neither paid the filing fee nor  
4 returned the Application to Proceed without Prepayment of Fees by the due date of  
5 July 13, 2020.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 **1.** This action is **DISMISSED** without prejudice for failure to pay the  
8 filing fee or comply with the *in forma pauperis* requirements of  
9 Rule 3(a) of the Rules Governing Section 2254 Cases in the United  
10 States District Courts.

11 **2.** All pending motions are **DENIED AS MOOT.**

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1           **3.**     The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal  
2           from this decision could not be taken in good faith and there is no basis  
3           upon which to issue a certificate of appealability. *See* 28 U.S.C.  
4           § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is  
5           therefore **DENIED**.

6           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,  
7           enter judgment, provide copies to *pro se* Petitioner at his last known address and  
8           **CLOSE** the file.

9           **DATED** this 30th day of July 2020.

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                                  SALVADOR MENDOZA, JR.  
                                  United States District Judge